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EXAMINER

DAVIS, ZACHARY A

ART UNIT

PAPER NUMBER

2137

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 09/741,668	Applicant(s) NONAKA ET AL.	
	Examiner Zachary A. Davis	Art Unit 2137	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 15-22 and 57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15-22 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A response was received on 06 December 2006. No claims have been amended, added, or canceled. Claims 1-11, 15-22, and 57 are currently pending in the present application.

#### ***Response to Arguments***

2. Applicant's arguments filed 06 December 2006 have been fully considered but they are not persuasive.

Claims 1-11 and 15-17 were rejected under 35 U.S.C. 103(a) as unpatentable over Schneier et al, US Patent 5768382, in view of Christiano, US Patent 5671412, and Stefik et al, US Patent 5629980. Claims 18-22 were rejected under 35 U.S.C. 103(a) as unpatentable over Schneier in view of Christiano and Stefik, and further in view of Castor et al, US Patent 5590288. Claim 57 was rejected under 35 U.S.C. 103(a) as unpatentable over Christiano in view of Stefik.

In reference to independent Claims 1, 17, and 57, Applicant argues that none of the cited art teaches or suggests the claimed purchase mode determined from one or more purchase mode options, each option having a different level of restriction imposed on a playback operation. Specifically, Applicant argues that the usage rights language and distribution privileges in the cited portions of Stefik do not teach or suggest the claimed purchase mode (pages 4-6 of the present response). The Examiner

Art Unit: 2137

respectfully disagrees. First, the Examiner notes that Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Further, the Examiner believes that Stefik does, in fact, disclose a purchase mode chosen from several purchase mode options, where the different purchase mode options each have a different level of restriction imposed on a playback operation (see, for example, Stefik, column 48, lines 28-44). Specifically, Stefik discloses that a purchase mode is selected from several options (column 48, lines 42-44, where a version of the right is selected and specified) and that various options have different levels of restriction imposed on playback (column 48, lines 35-42, where a demo right allows a limited version of the performance without fee, a metered right has a particular charge per hour, and a further right charges a flat fee for the first play but nothing for further plays). The Examiner notes that the example purchase modes of the cited portion correspond substantially to some of the example purchase modes disclosed by Applicant in the portions of the present specification cited to show written description of this particular claimed limitation (specifically, page 101, lines 2-12, and page 208, lines 4-8 of the present specification).

Therefore, for the reasons detailed above, the Examiner maintains the rejections as set forth below.

***Specification***

3. The objection to the specification for failing to provide proper antecedent basis for the claimed subject matter is withdrawn. See below regarding the rejection under 35 U.S.C. 112, first paragraph.

***Claim Rejections - 35 USC § 112***

4. The rejection of Claims 1-11, 15-22, and 57 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is withdrawn. The Examiner thanks Applicant for clearly and specifically pointing out on the record where support for the claimed subject matter, specifically the limitations at issue, may be found in the present specification.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2137

6. Claims 1-11 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier et al, US Patent 5768382, in view of Christiano, US Patent 5671412, and Stefik et al, US Patent 5629980.

In reference to Claim 1, Schneier discloses an apparatus within a tamper-resistant circuit module (column 8, lines 17-27; column 11, lines 31-37) including a first bus (see Figures 4C-4H), an arithmetic processing circuit (Figure 4C, CPU 302), a storage circuit (Figure 4C, ROM 304), a second bus (see Figures 4C-4H), an interface circuit (see Figure 4C), an encryption processing circuit (Figure 4B-4C, encryption/decryption module 28; also column 11, lines 41-46), and an external bus interface circuit (Figure 4C, I/O 312). However, Schneier does not explicitly disclose determining a mode based on a handling policy and creating log data, nor does Schneier disclose creating usage control status data or controlling the use of the content data.

Christiano discloses determining a usage or purchase mode based on a usage license policy (column 6, line 60-column 7, line 30) and logging data (column 18, lines 53-61). Christiano further discloses creating usage control status data (column 10, lines 53-57) that includes a content identification (column 10, lines 27-33), the purchase mode (column 10, line 53-column 11, line 11), identification of a circuit module (column 10, lines 33-36), and a user identification (column 10, lines 53-57; column 6, lines 64-column 7, line 1; column 4, line 61-column 5, line 2). Christiano additionally discloses controlling use of content data (column 10, line 64- column 11, line 3) and a usage monitor that monitors the usage control policy and status data to ensure that content

Art Unit: 2137

data is properly used based on a license (column 6, line 60-column 7, line 46; column 10, lines 53-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Schneier by including the usage policies and licensing as disclosed by Christiano, in order to provide a variety of options and flexibility in controlling usage of licensed data (see Christiano, column 3, lines 12-19).

Although Schneier and Christiano disclose a purchase mode (see Christiano, column 10, line 53-column 11, line 11), neither Schneier nor Christiano explicitly discloses that the purchase mode is determined from one or more purchase mode options, each having a different level of restriction imposed on a playback operation. Stefik discloses a system for controlling distribution and use of digital works that includes a plurality of purchase modes (see Stefik, column 17, line 63-column 26, line 35; more specifically, see column 17, line 64-column 18, line 6; column 19, lines 20-31, describing limitations on number of copies, fees, and times; column 19, lines 46-57, where rights defining playing and printing of a work are described; column 21, lines 10-24, defining limitations on a number of copies to be made; see also column 43, line 45-column 50, line 14, defining various use scenarios) each having a different level of restriction imposed on a playback operation (see again column 17, line 63-column 26, line 35, for a variety of rights, and column 43, line 45-column 50, line 14, for a variety of use scenarios; see also column 36, lines 30-64, where limitations are checked for a playback operation). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Schneier and

Art Unit: 2137

Christiano by including a plurality of purchase modes each imposing different restrictions on playback, in order to allow the owner of a digital work to attach to the work usage rights defining how the work may be used and/or distributed (see Stefik, column 3, lines 51-61).

In reference to Claim 2, Schneier, Christiano, and Stefik further disclose a second interface circuit and that the first bus includes a third bus and a fourth bus (see Schneier, Figures 4C-4H).

In reference to Claim 3, Schneier, Christiano, and Stefik further disclose a third interface circuit communicating with a recording medium (see Schneier, Figure 4H, interface circuitry 406), a fifth bus, and a fourth interface circuit (see Schneier, Figures 4C-4H).

In reference to Claim 4, Schneier, Christiano, and Stefik further disclose a public key encryption circuit (see Schneier, column 10, lines 27-56) and a common key encryption circuit (see Schneier, column 9, line 62-column 10, line 11).

In reference to Claim 5, Schneier, Christiano, and Stefik further disclose that the storage circuit stores private and public key data (see Schneier, column 11, lines 44-48), the public key encryption circuit verifies the integrity of signature data and creates signature data (see Schneier, column 10, lines 41-56), and the common key encryption circuit encrypts and decrypts content data and key data using a session key (Schneier, column 9, line 65-column 10, line 6).



In reference to Claim 6, Schneier, Christiano, and Stefik further disclose a hash value generating circuit used by the public key encryption circuit in verifying and creating signatures (see Schneier, column 17, lines 46-50).

In reference to Claim 7, Schneier, Christiano, and Stefik further disclose a random number generating circuit (see Schneier, column 10, lines 57-67).

In reference to Claim 8, Schneier, Christiano, and Stefik further disclose an external storage circuit (see Schneier, column 7, lines 57-60).

In reference to Claims 9 and 11, Schneier, Christiano, and Stefik disclose everything as applied to Claim 8 above. Schneier, Christiano, and Stefik further disclose that programs are executed from memory in a conventional manner (see Schneier, column 7, lines 60-61). However, neither Schneier, Christiano, nor Stefik explicitly discloses a storage-circuit control circuit or a storage management circuit. Official notice is taken that it is well known in the computer arts to include a memory controller or memory management circuit, such as a DMA or MMU, in order to allow for the optimization of the use of memory. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Schneier, Christiano, and Stefik by including a memory controller or manager, in order to optimize the use of memory, as is well known in the computer arts.

In reference to Claim 10, Schneier, Christiano, and Stefik further disclose that the external bus is connected to a host processor (see Schneier, Figure 4C, where the I/O 312 is connected to external CPU 27).

Art Unit: 2137

In reference to Claim 15, Schneier, Christiano, and Stefik further disclose a real time clock (see Schneier, column 11, line 46). Further, Schneier, Christiano, and Stefik disclose encrypting key data and control data (see Christiano, column 14, lines 23-28) and storing license key data (Christiano, column 14, lines 19-21).

In reference to Claim 16, Schneier, Christiano, and Stefik further disclose that the storage circuit writes and erases data in units of blocks and also discloses a write lock control circuit for controlling writing and erasing blocks of data (see Schneier, column 18, lines 39-43).

In reference to Claim 17, Schneier discloses an apparatus within a tamper-resistant circuit module (column 8, lines 17-27; column 11, lines 31-37) including a first bus (see Figures 4C-4H), an arithmetic processing circuit (Figure 4C, CPU 302), a storage circuit (Figure 4C, ROM 304), a second bus (see Figures 4C-4H), an interface circuit (see Figure 4C), an encryption processing circuit (Figure 4B-4C, encryption/decryption module 28; also column 11, lines 41-46), and an external bus interface circuit (Figure 4C, I/O 312). Schneier further discloses receiving an interrupt from an external circuit, performing processing, and reporting a result of the processing (column 11, lines 55-67). However, Schneier does not explicitly disclose determining a mode based on a handling policy and creating log data, nor does Schneier disclose creating usage control status data or controlling the use of the content data.

Christiano discloses determining a usage or purchase mode based on a usage license policy (column 6, line 60-column 7, line 30) and logging data (column 18, lines

Art Unit: 2137

53-61). Christiano further discloses creating usage control status data (column 10, lines 53-57) that includes a content identification (column 10, lines 27-33), the purchase mode (column 10, line 53-column 11, line 11), identification of a circuit module (column 10, lines 33-36), and a user identification (column 10, lines 53-57; column 6, lines 64-column 7, line 1; column 4, line 61-column 5, line 2). Christiano additionally discloses controlling use of content data (column 10, line 64- column 11, line 3) and a usage monitor that monitors the usage control policy and status data to ensure that content data is properly used based on a license (column 6, line 60-column 7, line 46; column 10, lines 53-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Schneier by including the usage policies and licensing as disclosed by Christiano, in order to provide a variety of options and flexibility in controlling usage of licensed data (see Christiano, column 3, lines 12-19).

Although Schneier and Christiano disclose a purchase mode (see Christiano, column 10, line 53-column 11, line 11), neither Schneier nor Christiano explicitly discloses that the purchase mode is determined from one or more purchase mode options, each having a different level of restriction imposed on a playback operation. Stefik discloses a system for controlling distribution and use of digital works that includes a plurality of purchase modes (see Stefik, column 17, line 63-column 26, line 35; more specifically, see column 17, line 64-column 18, line 6; column 19, lines 20-31, describing limitations on number of copies, fees, and times; column 19, lines 46-57, where rights defining playing and printing of a work are described; column 21, lines 10-

Art Unit: 2137

24, defining limitations on a number of copies to be made; see also column 43, line 45-column 50, line 14, defining various use scenarios) each having a different level of restriction imposed on a playback operation (see again column 17, line 63-column 26, line 35, for a variety of rights, and column 43, line 45-column 50, line 14, for a variety of use scenarios; see also column 36, lines 30-64, where limitations are checked for a playback operation). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Schneier and Christiano by including a plurality of purchase modes each imposing different restrictions on playback, in order to allow the owner of a digital work to attach to the work usage rights defining how the work may be used and/or distributed (see Stefik, column 3, lines 51-61).

7. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier in view of Christiano and Stefik as applied to claim 17 above, and further in view of Castor et al, US Patent 5590288.

In reference to Claims 18 and 19, Schneier, Christiano, and Stefik disclose everything as applied to Claim 17 above. However, Schneier as modified above does not explicitly disclose reporting the result of processing by outputting an interrupt. Further, Schneier as modified above does not explicitly disclose that the external bus interface includes a common memory and that the external circuit obtains a result by polling.

Art Unit: 2137

Castor discloses a system which allows a computer to request another computer to execute a procedure (column 3, lines 38-42) including outputting an interrupt (column 12, lines 29-33). Castor further discloses a common memory (the buffer of column 12, lines 33-35) and polling an interface circuit to obtain a result (column 12, lines 35-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Schneier as modified above by including the interrupt, buffer, and polling of Castor, in order to increase reliability, lower cost, and allow easier upgrades in a distributed computing system (Castor, column 4, lines 11-21).

In reference to Claim 20, Schneier as modified above further discloses first status registers including flags (see Castor, column 12, lines 29-35).

In reference to Claim 21, Schneier as modified above further discloses storing and executing an interrupt program (see Castor, column 5, lines 49-51).

In reference to Claim 22, Schneier as modified above further discloses storing and executing a plurality of interrupt programs and subroutines (see Castor, column 5, lines 49-55).

8. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christiano in view of Stefik.

Christiano discloses a method including determining a usage or purchase mode based on a usage license policy (column 6, line 60-column 7, line 30); creating log data (column 18, lines 53-61); creating usage control status data (column 10, lines 53-57)

Art Unit: 2137

that includes a content identification (column 10, lines 27-33), the purchase mode (column 10, line 53-column 11, line 11), identification of a circuit module (column 10, lines 33-36), and a user identification (column 10, lines 53-57; column 6, lines 64-column 7, line 1; column 4, line 61-column 5, line 2); monitoring usage control policy and status data to ensure that content data is properly used based on a license (column 6, line 60-column 7, line 46; column 10, lines 53-57); controlling use of content data (column 10, line 64- column 11, line 3); recording the content data (column 10, lines 62-64, where the product is used on a computer system, and therefore stored at least temporarily therein; see also column 6, lines 28-31, where various storage media are disclosed); and encrypting key data and control data (column 14, lines 23-28).

However, although Christiano discloses a purchase mode (see Christiano, column 10, line 53-column 11, line 11), Christiano does not explicitly disclose that the purchase mode is determined from one or more purchase mode options, each having a different level of restriction imposed on a playback operation.

Stefik discloses a method for controlling distribution and use of digital works that includes a plurality of purchase modes (see Stefik, column 17, line 63-column 26, line 35; more specifically, see column 17, line 64-column 18, line 6; column 19, lines 20-31, describing limitations on number of copies, fees, and times; column 19, lines 46-57, where rights defining playing and printing of a work are described; column 21, lines 10-24, defining limitations on a number of copies to be made; see also column 43, line 45-column 50, line 14, defining various use scenarios) each having a different level of restriction imposed on a playback operation (see again column 17, line 63-column 26,

Art Unit: 2137

line 35, for a variety of rights, and column 43, line 45-column 50, line 14, for a variety of use scenarios; see also column 36, lines 30-64, where limitations are checked for a playback operation). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Christiano by including a plurality of purchase modes each imposing different restrictions on playback, in order to allow the owner of a digital work to attach to the work usage rights defining how the work may be used and/or distributed (see Stefik, column 3, lines 51-61).

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2137

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*BAO*  
zad

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